

REMARKS

Claims 33, 35, and 39-44 are pending. By this amendment, claims 33, 35, and 44 are amended. No new matter is added.

Support for the amendments to claims 33, 35, and 44 is found, for example, in paragraphs [0066]-[0074] of the Disclosure.

For the following reasons, reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §102:

On page 2, item 2 of the Office Action, claims 33 and 44 are rejected under 35 U.S.C. §102(b) over Shoji et al. (U.S. Patent No. 7,170,841). The rejection is respectfully traversed.

It is respectfully submitted that Shoji fails to disclose or suggest a reproducing and/or recording apparatus for use with an optical information storage medium including a lead-in area, a user data area, and a lead-out area, wherein the lead-in area comprises a first area having a first track pitch, a second area having a second track pitch different from the first track pitch, and a transition area provided between the first area and the second area, as called for in claims 33 and 44.

Rather, Shoji simply discloses a spare area 109 positioned between a disc information area 107 and a data area 110 (see, for example, col. 9, lines 46-50, and FIG. 1 of Shoji). It is readily apparent that the data area 110 of Shoji is not part of a lead-in area. Accordingly, the data area 110 can not be the second area that is of the lead-in area, as called for in claims 33 and 44.

For at least this reason, claims 33 and 44 are patentably distinguishable over the applied reference to Shoji. Withdrawal of the rejection is respectfully requested.

On page 3, item 4 of the Office Action, claims 35 and 39-43 are rejected under 35 U.S.C. §102(e) over Kadowaki et al. (U.S. Patent Application No. 2004/0001414). The rejection is respectfully traversed.

It is respectfully submitted that Kadowaki is not a prior art reference to this application as the subject matter of this Application has an earlier date of invention than the U.S. filing date of Kadowaki. Specifically, it is respectfully submitted that this Application claims priority from

Korean Patent Application No. 2003-6286 filed on January 30, 2003, which is prior to Kadowaki's U.S. filing date of June 30, 2003. A Verified English Language translation and a Statement for the accuracy thereof are filed herewith.

Accordingly, Kadowaki is not an applicable prior art reference. Consequently, claims 35 and 39-43 are patentable and the withdrawal of the rejection is respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

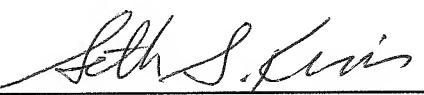
Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Attachment: Verified English Language translation of Korean Patent Application No. 2003-6286 and a Statement for the accuracy thereof.